

No.

2913

United States
Circuit Court of Appeals
For the Ninth Circuit. 17

In the Matter of C. F. MASON and WM. McD.
OWEN, co-partners, trading as MASON &
OWEN,

Bankrupts,

C. F. MASON and WM. McD. OWEN,

Bankrupts,

GEORGE P. KIER, Trustee,

Appellant,

vs.

JOSEPH F. BURCH, JR.,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for
the Southern District of California,
Southern Division.

FILED

AUG 14 1922

F. D. MONCKTON,
CLERK

No.

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Circuit Court of Appeals
For the Ninth Circuit.

In the Matter of C. F. MASON and WM. McD.
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INDEX.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys:

For Appellant:

WILL J. THAYER, Esq., 462 Spreckels Bldg.,
San Diego, Calif.

For Appellee:

PATTERSON SPRIGG, Esq., 512 Southern Title
Bldg., San Diego, Calif.

IN THE DISTRICT COURT OF THE UNITED
STATES IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA
SOUTHERN DIVISION.

.....
IN THE MATTER OF MASON and)
OWEN, Bankrupts.) (PETITION.
.....

TO THE HONORABLE, THE DISTRICT COURT
OF THE UNITED STATES, IN AND FOR
THE SOUTHERN DISTRICT OF CALI-
FORNIA, SOUTHERN DIVISION:

The petition of Joseph F. Birch, Jr., resident of San Diego, San Diego County, California, respectfully shows:

That prior to the 3rd day of November, 1920, he was the owner, in possession of, and entitled to the possession of certificates of stock numbered 69806, 69807, 69808 for three hundred shares of stock in the Ray Consolidated)Copper) Company.

That on said last-named date, petitioner delivered said shares of stock to the said Mason and Owen, at their place of business at Number 1032-4th Street, in the City of San Diego, California, for which said stock, the said Mason and Owen gave him a receipt. That the petitioner, on said date, instructed the said Mason and Owen to send said shares of stock to the firm of Logan and Bryan in the City of New York, to be held by said Logan and Bryan subject to the order

of petitioner, and at the same time requested the said Mason and Owen to obtain from the said Logan and Bryan an acknowledgment in writing that they had received from the said petitioner the said stock to be held by them, subject to the order of said petitioner.

That the said Mason and Owen accepted the said stock with the distinct understanding and agreement that they would forward said stock to the said firm of Logan and Bryan, under the instructions hereinabove set forth.

Petitioner further states that he has been informed and believes, and on that ground alleges, that the said Mason and Owen did send said stock to the said firm of Logan and Bryan and that the said firm of Logan and Bryan received said stock and now has the same intact in their possession.

That on the 22nd day of November, 1920, petitioner demanded of and from Logan and Bryan the return of said stock to him, and on the 23rd day of November, 1920, demanded of the said Mason and Owen the return of said stock to him, but the said Logan and Bryan and the said Mason and Owen have refused and still refuse to return the said stock to petitioner, and continue to retain possession of the same, and the whole thereof.

Petitioner further states that prior to said dates, nor since said dates, or at all, has he had any business dealing with the said Mason and Owen, nor has he ever purchased or negotiated for the purchase of any stock

with them, or at all, nor has he ever had any account of any kind or description with the said Mason and Owen, and that the said stock was delivered to the said Mason and Owen solely for the purpose of sending it to New York to the said Logan and Bryan, to be held subject to the order of the said petitioner, and not otherwise.

That petitioner has never parted with the title to the same, or authorized anyone to use, sell or contract for the sale of said stock, or any part thereof, and that said petitioner, prior to said dates, and ever since has been, and is now, the owner and entitled to possession of said shares of stock.

WHEREFORE, petitioner prays that this Honorable Court make an order directing the said Mason and Owen and the said Logan and Bryan to re-deliver to petitioner the said shares of stock, and the whole thereof, forthwith.

Patterson Sprigg

Attorney for petitioner

Joseph F. Birch, Jr.

Petitioner

STATE OF CALIFORNIA)
)SS.
 COUNTY OF SAN DIEGO)

Joseph F. Birch, Jr., being first duly sworn, deposes and says:

That he is the petitioner herein; that he has read the foregoing petition; that he knows the contents thereof, and the same is true of his own knowledge,

except as to the matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

Joseph F. Birch Jr

Subscribed and sworn to before me
this 14th day of January, 1921.

Patterson Sprigg

Notary Public in and for the County
of San Diego, State of California.

(Seal.)

[Endorsed]: IN THE DISTRICT COURT OF
THE UNITED STATES, IN AND FOR THE
SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION. IN THE MATTER OF
MASON & OWEN, Bankrupts. PETITION FILED
APR 21 1921 at 30 min. past 3 o'clock P M
CHAS. N. WILLIAMS, Clerk Douglas Van Dyke
Deputy Patterson Sprigg Attorney for Petitioner, At-
torney at law Suite 512 Southern Title Building San
Diego, California

FILED This 14 day of Jan 1921 at 30 minutes past
3, P. M. Edward T. Lannon Referee in Bankruptcy.

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION.

.....
IN THE MATTER OF MASON)
) (STIPULATION.
AND OWEN, Bankrupts.)
.....

IT IS HEREBY STIPULATED AND AGREED by and between WILL J. THAYER, Esq., Trustee for Mason & Owen, and PATTERSON SPRIGG, esq., attorney for Joseph F. Birch, Jr., that the recitations hereinafter set forth shall constitute the facts to be submitted to the referee in bankruptcy for his determination of the rights of the said Joseph F. Birch, Jr., to his claim for stock, as set forth in his petition herein filed, as follows:

- I -

That said petition of the said Joseph F. Birch, Jr., was filed with the referee in bankruptcy on or about the 14th day of January, 1921, and that the said trustee for Mason & Owen duly received a copy of said petition.

- II -

That on or about November 3rd, 1920, the said Joseph F. Birch, Jr., was the owner, in possession and entitled to the possession of certificates of stock number 69806, 69807, and 69898, representing three hundred shares of stock in the Ray Consolidated Copper Company.

- III -

That on said last named date the said Joseph F. Birch, Jr., delivered said stock, endorsed by him in blank, to Mason & Owen, who were stock brokers in the City of San Diego, California, with oral instructions to said Mason & Owen to send said stock to the correspondents of Mason & Owen in New York City, Messrs. Logan & Bryan, and to obtain from said Logan & Bryan an acknowledgement in writing that they had received said stock from said petitioner, to be held by the said Logan & Bryan subject to the order and directions of the said Joseph F. Birch, Jr. That at the same time and place the said Joseph F. Birch, Jr., received from Mason & Owen the receipt hereto attached and *market* Exhibit "A", and delivered to them the writing hereto attached and *market* Exhibit "B". That said Mason & Owen thereupon mailed said certificates of stock to the said Logan & Bryan and paid thereon \$1.26 insurance and for conveying said stock while in transit, and thereafter, on November 4th, 1920, sent to the said Birch a bill for the said charge of \$1.26, which bill or statement is hereto attached, marked Exhibit "C".

That the said Mason & Owen made entries on their books as will be shown by Exhibit "D", hereto attached.

- IV -

That previous to November 20th, 1920, the said Mason & Owen were indebted to the said Logan and Bryan in the sum of about Two Hundred Six Thous-

and, Fifty-four & No/100 (\$206,054) Dollars, and prior to said last named date the said Mason & Owen sent to the said Logan & Bryan the said three hundred shares of stock, the property of the said Joseph F. Birch, Jr, together with a large number of shares of stock belonging to customers of said Mason & Owen with the intention on the part of Mason & Owen to pledge same under the terms of said Ex. B, and all of the said stock was held by said Logan & Bryan as security for the payment of the said indebtedness to them of the said Mason & Owen.

- V -

That thereafter such proceedings were had as resulted in the sale of a portion of the said stock, by the said Logan & Bryan (the said stock so sold did not include the stock of the said Joseph F. Birch, Jr.), for the purpose of paying the amount due the said Logan & Bryan, which said payment was made in full on or about December 8th, 1920, out of the proceeds of the sale of said stock, which left the said petitioner's stock (Joseph F. Birch, Jr.) unsold and in the hands of the said Logan & Bryan; that the said Logan & Bryan make no claim to the said stock and the title to the same is now and always has been in the name of said Joseph F. Birch, Jr.

- VI -

That the market value of all of the stock sent by the said Mason & Owen and held by the said Logan & Bryan, was Three Hundred Thirty-nine Thousand, One Hundred Fifty-six (\$339,156.00) Dollars, and

the value of the said stock owned by the said Joseph F. Birch, Jr., to-wit, the three hundred shares of the Ray Consolidated stock was, at said time, \$-----

IT IS FURTHER STIPULATED AND AGREED by the parties hereto that the said Joseph F. Birch, Jr., prior to said date, nor since said date, nor at all, has had any business dealings, except as herein set forth, with the said Mason & Owen, nor has he ever purchased or negotiated for the purchase of any stock with them, and that the said stock of the said Joseph F. Birch, Jr., was delivered to the said Mason & Owen solely for the purpose of sending it to the said Logan & Bryan to be held subject to the order of the said Joseph F. Birch, Jr., and not otherwise.

That the said Joseph F. Birch, Jr., has heretofore made written demand upon the said Mason & Owen and their attorneys and agents, and also upon the said trustee, for the delivery of said stock, and that they, and each of them, have refused and still refuse to deliver the same, or any part thereof, to the said Joseph F. Birch, Jr.

March 28th 1921

Will J Thayer
As Trustee for Mason & Owen.
Patterson Sprigg
Atty. for Jos. F. Birch Jr

Ex A

No----- San Diego, Cal., Nov. 3 1920
Received from Joseph F. Birch Jr cof #69806/808
for three hundred (300) shares Ray Cons in
name Joseph F. Birch Jr

MASON & OWEN
Per Allen

\$-----

NOT NEGOTIABLE

Ex. B

Nov. 3, 1920

MASON & OWEN SUCCESSORS TO GEO. G. PRENTICE & CO. COMMISSION MERCHANTS STOCKS—BONDS—GRAIN Grant Hotel Building San Diego, California. Code Bird

Correspondents of LOGAN & BRYAN Direct private wire to all exchanges Gordon Prentice Manager

Mason & Owen, 1032 Fourth Street, San Diego, Calif. Gentlemen:—I hereby consent: First: That all transactions heretofore or hereafter made by you for my account are subject to the rules, regulations and customs of the New York Stock Exchange and its Clearing House,; or the rules, regulations and customs of the Exchange or market upon which any transaction by my order is made for my account.

Second: That all securities, evidences of indebtedness or other property now or hereafter carried in my account or *or* deposited to protest the same, may be loaned or pledged by you, either, separately or together with other securities belonging to others, either for the sum due thereon or for a greater sum; that said securities, evidences of indebtedness or other property may be transferred to your own account on the books of the corporation, may be sold by you, either in whole or in part, without notice to the undersigned, at any time when in your judgment the margin of protection in my account shall become impaired to a point where you deem it unsafe to carry it longer, such sale to be

made at public, brokers' board or private sale, less the brokerage or other expenses of said sale, to be placed to the credit of the undersigned as an offset against the debit in my account.

Furthermore you shall not be required to return to me the identical bonds or other securities deposited by me or carried in my account, it being understood that bonds or securities of like kind can be returned to me. It is the purpose of this letter and consent to give to you, and I hereby expressly give, the consent provided for in Section 956, Subdivision 2, of the Penal Code, as added by Chapter 500 of the Laws of 1913 of New York. Very truly yours Jos. F. Birch Jr Signature

Dated Nov. 3 1920 In the presence of C F Mason

[Endorsed]: 4165 Bkey Mason & Owen Bankrupts Refs. Certif on Review and exhibits. Filed April 21 - 1921 at 5 Min. Past 5 P. M. Chas. N. Williams Clerk R. S. Zimmerman Deputy.

Ex. C

MASON & OWEN Successors to
GEORGE G. PRENTICE & CO.

Commission Merchants

Grant Hotel Building

San Diego Cal. San Diego, Cal., Nov. 4 1920

Mr Jos F Birch Jr

This day we charge your stock account \$1.26 Insurance to N. Y

MASON & OWEN Successors to
E. & O. E. Geo. G. Prentice & Co. By O

H. P. Nov. 3, 1920. Stock account of Joseph F. Burch, Jr "Bird" Ex. "D"		Tallman, Robbins & Company. "Bird"		Chicago-New York Securities		Description		Price Folio		Debits Credits Balance	
Date	1920	Long	Short							Dr.	Cr.
Nov 4	300			Ray Cons to N. Y as of Nov 3						126	
"				Insurance							126
30				Balance						<u>126</u>	<u>126</u>
Nov 30	Long			Balance						<u>126</u>	<u>126</u>
	300			Ray Cons							
Dec 14				Balance							126
14	Long			Balance						126	126
	300			Ray Cons						126	
Dec 31				Bal							126
1920											126
Dec 31	Long			Balance						126	
	300			Ray Cons							
1921											
Jan 10				Div 200 Ray Cons							5000

(The name "Logan & Bryan" is printed on the top of the original bookkeeping sheet.)

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA SOUTHERN DIVISION

In the Matter of C. F. Mason & Wm. 4165 Bkey
McD. Owen, co-partners trading as)
Mason & Owen, (ORDER
Bankrupts.)

- - - - - oOo - - - - -

Edward T. Lannon, Esq., of San Diego, California,
referee in Bankruptcy
The trustee of Mason & Owen, Bankrupts, and his
attorney Will J. Thayer, Esq.,
Patterson Sprigg, Esq., attorney for claimant, Jos.
F. Birch, Jr.

--- ORDER ---

The above entitled matter coming on to be heard upon the application of Jos. F. Birch, Jr. for the delivery to him of 300 shares of Ray Consolidated Copper Co. Stock, represented by certificates numbered 69806, 69807, 69808.

That said stock is, and was the property of said Birch at the time, to-wit, on or about November the 3rd, 1920, when the said Birch delivered the same to the said Mason & Owen to be sent to Logan & Bryan, brokers in New York for the use and benefit of said Birch.

It is now Ordered by the Court that Messrs. Logan & Bryan, if they still retain possession of the said stock, or the trustee herein, if he now has possession of said stock are, and each of them is, directed to

deliver to the said Jos. F. Birch, Jr., or his order, the said 300 shares of Ray Consolidated Copper Co. stock, together with all accrued dividends thereon, received and retained by said Logan & Bryan and by said trustee, or by either of them.

Bledsoe

Judge of the District Court of the
U. S. in and for the Southern Dis-
trict of Calif. Southern Division

Los Angeles, Calif., March 6 1922.

[Endorsed]: 4165 Bk In re Mason & Owen Bkpts.
Order re 300 Shares Ray Consolidated Stock FILED
Mar - 7 1922 at 20 min. past 11 o'clock A. M. CHAS.
N. WILLIAMS, Clerk R. S. Zimmerman, Deputy

IN THE DISTRICT COURT OF THE UNITED
STATES, IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

In Bankruptcy - #4165.

In the Matter of C. F. MASON)	
and WM. McD. OWEN, co-part-)	
ners, trading as MASON &)	ASSIGNMENT
OWEN,)	OF ERRORS ON
) APPEAL FROM
Bankrupts,)	BURCH ORDER.
)
C. F. MASON and WM. McD.)	
OWEN,)	
Bankrupts.)	

Now comes George P. Kier, as Trustee for said Bankrupts, and files the following assignment of errors

upon which he will rely upon his prosecution of the appeal in the above entitled cause, from the order and decree referred to in his petition for appeal.

I.

That the above named court erred in granting the petition of Joseph F. Burch, Jr., on file herein, praying for the delivery to him of 300 shares of stock of the Ray Consolidated Copper Company.

II.

Said court erred in directing the delivery to said Burch of said shares of stock, or any of them.

III.

Said court erred in directing the payment or delivery to said Burch of any dividends in any amount whatsoever.

WHEREFORE, appellant prays that said order and decree be reversed in all things and that said District Court be ordered to enter a decree reversing its aforesaid decision in all things.

Dated: This 13th day of March, 1922.

Will J. Thayer

Attorney for said Trustee,
George P. Kier.

[Endorsed]: In Bankruptcy - #4165 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION. In the Matter of C. F. MASON, and WM. McD. OWEN, co-partners, trading as MASON & OWEN, Bankrupts, C. F. MASON and WM. McD.

OWEN, Bankrupts. ASSIGNMENT OF ERRORS ON APPEAL FROM BURCH ORDER. FILED MAR 15 1922 CHAS. N. WILLIAMS, Clerk By Douglas Van Dyke Deputy Clerk Will J. Thayer, Attorney for George P. Kier, Trustee, 462 Spreckels Bldg., San Diego, Calif.

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

In the Matter of C. F. In Bankruptcy - #4165
MASON and WM. McD.)
OWEN, co-partners, trading (STIPULATION FOR
as MASON & OWEN,) RECORD ON
Bankrupts, APPEAL (BURCH).
C. F. MASON and WM.
McD. OWEN,
Bankrupts.

-----oO-----

It is hereby stipulated by the undersigned as follows:

1. That the appeal taken herein by the Trustee, George P. Kier, from the order entered in favor of Joseph F. Burch, Jr., and any writ of review which may be hereafter issued to review said order, shall be heard and decided by the United States Circuit Court of Appeals for the Ninth Circuit, upon the statement of facts as herein agreed upon.

2. That said District Court heard and disposed of the controversy over the stock hereinafter mentioned on the facts as herein stated, said facts being as

follows, and are hereby stipulated to comprise the record on appeal.

(a) The petition of Jos. F. Birch, Jr., filed with the said Court on or about the 14th day of January, 1921, in which he set forth his claim to certificates number 69806, 69807, 69808, for 300 shares of stock in the Ray Consolidated Copper Company.

(b) The stipulation dated March 28th, 1921, signed by Will J. Thayer, the then Trustee, and Patterson Sprigg, Esq., Attorney for Joseph F. Burch, Jr., together with Exhibits A, B, C, and D, which accompany said stipulation, said stipulation and exhibits to be printed in the transcript as a part thereof.

(c) That the stock referred to in said stipulation actually reached Logan & Bryan on November 9th, 1920, and they still retain possession of same.

(d) That the indebtedness due from Mason & Owen to Logan & Bryan amounted to \$330,778.87 on November 9th, 1920, but was reduced to \$208,338.09 by December 1, 1920, which was the date on which the petition was filed to declare Mason & Owen bankrupts, and they were adjudicated bankrupts on December 20, 1920, and their trustee was appointed on January 4th, 1921.

(e) That the market value of said shares of stock on December 1st, 1920, date on which bankruptcy proceedings were filed, was \$3,375.00, and on December 8th, 1920, was \$3,562.50.

(f) That at the sale referred to in Paragraph 5 of said Stipulation of March 28th, 1921, sufficient of

the stocks, or securities, of customers of Mason & Owen which had been purchased by them on margin was sold to produce, and which did produce, over \$300,000.00, out of which the indebtedness to Logan & Bryan was paid in full and the balance, over \$100,000.00, was remitted by Logan & Bryan to the Trustee for said bankrupts. That twenty-one securities were not sold, and survived the liquidation, including the 300 shares of Ray Consolidated Stock claimed by Burch, and demand made therefor upon Logan & Bryan and upon the Trustee of Mason & Owen, prior to December the 1st, 1920. That all of said twenty-one securities had been fully paid for to Mason & Owen, including the 300 shares of Ray Consolidated Stock.

(g) The order of Judge Bledsoe directing the delivery to Joseph F. Burch, Jr., of the stock referred to in said stipulation.

(h) The assignment of errors filed by said Trustee.

3. That the foregoing were the facts and all the facts on which this case was tried and decided in the District Court, and the same shall comprise the record on appeal or review.

DATED: July 25th, 1922.

Patterson Sprigg,

Attorney for Joseph F. Burch, Jr.

Will J Thayer

Attorney for George P. Kier,
as Trustee for said Bankrupts.

The foregoing stipulation is approved
Bledsoe

Judge

[Endorsed]: In Bankruptcy #4165 DISTRICT COURT OF THE UNITED STATES, SOUTHERN DISTRICT OF CALIFORNIA, SOUTHERN DIVISION In the Matter of C. F. Mason and Wm. McD. Owen, co-partners, trading as Mason & Owen, Bankrupts, C. F. MASON and WM. McD. OWEN, Bankrupts. STIPULATION FOR RECORD ON APPEAL (BURCH) FILED JUL 26 1922 at 10 min. past 4 o'clock P. M. CHAS. N. WILLIAMS, Clerk Louis J. Somers, Deputy PATTERSON SPRIGG Attorney for Joseph F. Burch, Jr. 512 Southern Title Bldg. San Diego, California.

IN THE DISTRICT COURT OF THE UNITED
STATES, IN AND FOR THE SOUTHERN
DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION.

In Bankruptcy - # 4165.

In the Matter of C. F.)	
MASON and WM. McD.)	PRAECIPE FOR
OWEN, co-partners, trading)	RECORD ON
as MASON & OWEN,)	BURCH APPEAL.
)
Bankrupts,)	
)
C. F. MASON and WM.)	
McD. OWEN,)	
Bankrupts.)	

To the Clerk of the above named Court:—

You are hereby requested to prepare a transcript of the record for use on the appeal taken by George P. Kier, as Trustee, from the order dated March 6th, 1922, granting the petition of Joseph F. Burch, Jr., the following papers:—

1st:—The petition filed by Burch, dated January 14th, 1921.

2nd:—The stipulation dated March 28th, 1921, together with the attached exhibits.

3rd:—The order dated March 6th, 1922, granting the Burch petition.

4th:—The assignment of errors, filed by the Trustee.

You are further requested to incorporate in the record the following statement of the evidence:

“The undisputed testimony showed that the said 300 shares of stock were received by Logan & Bryan on November 9th, 1920; That on said date Mason & Owen were indebted to Logan & Bryan in the sum of \$330,778.87; That on December 1, 1920, said indebtedness was \$208,338.09; That the value of said stock on December 1st, 1920, was \$11.25 per share and its value on December 7th, 1920, was \$11 $\frac{7}{8}$ per share.”

The Trustee further states that the error relied upon in the said appeal is that the Court erred in directing the delivery to said petitioner of the stock and dividends mentioned in the aforesaid order, or any part of same.

There should also be transmitted with the record a copy of the two opinions of the Court in reference to the petition of said Burch.

Dated: April 24th, 1922.

Will J. Thayer

Atty. for George P. Kier, Trustee.

[Endorsed]: In Bankruptcy - #4165. District Court, United States, Southern District of California, Southern Division. In the Matter of C. F. MASON and WM. McD. OWEN, co-partners, trading as MASON & OWEN, Bankrupts, C. F. MASON and WM. McD. OWEN, Bankrupts. PRAECIPE FOR RECORD OF BURCH APPEAL. Copy of the within Praecipe received, this 24th day of April, 1922.

Patterson Sprigg Attorney for Appellee. FILED
 APR 25 1922 at 30 min. past 12 o'clock P. M. CHAS.
 N. WILLIAMS, Clerk Murray E. Wire Deputy
 Will J. Thayer, attorney for George P. Kier, as Trustee.
 # 462 Spreckels Bldg., San Diego, Calif.

IN THE DISTRICT COURT OF THE UNITED
 STATES, SOUTHERN DISTRICT OF
 CALIFORNIA, SOUTHERN
 DIVISION.

In the Matter of C. F. MASON)	
and WM. McD. OWEN, co-part-)	
ners, trading as MASON &)	
OWEN,)	CLERK'S
Bankrupts.)	CERTIFICATE.
C. F. MASON and WM. McD.)	
OWEN,)	
Bankrupts.)	

I, CHAS. N. WILLIAMS, Clerk of the United States District Court for the Southern District of California, do hereby certify the foregoing volume containing 23 pages, numbered from 1 to 23 inclusive, to be the Transcript of Record on Appeal in the above entitled cause, as printed by the appellant and presented to me for comparison and certification, and that the same has been compared and corrected by me and contains a full, true and correct copy of the petition, stipulation with exhibits, order, assignment of errors, stipulation for record and praecipe.

I DO FURTHER CERTIFY that the fees of the Clerk for comparing, correcting and certifying the fore-

going Record on Appeal amount to and that said amount has been paid me by the appellant herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this day of August, in the year of our Lord One Thousand Nine Hundred and Twenty-two, and of our Independence the One Hundred and Forty-seventh.

CHAS. N. WILLIAMS,
Clerk of the District Court of the
United States of America, in and
for the Southern District of Cali-
fornia.

By

Deputy.

